UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/RES/49/190
9 March 1995

Forty-ninth session
Agenda item 100 (b)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/49/610/Add.2)]

49/190. Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization

The General Assembly,

Recalling its previous resolutions on the subject, especially resolutions 47/138 of 18 December 1992 and 48/131 of 20 December 1993, as well as the annex to Commission on Human Rights resolution 1989/51 of 7 March 1989, 1/

Recalling also the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, especially the recognition therein that assistance provided upon the request of Governments for the conduct of free and fair elections, including assistance in the human rights aspects of elections and public information about elections, is of particular importance in the strengthening and building of institutions relating to human rights and the strengthening of a pluralistic civil society, and that special emphasis should be given to measures that assist in achieving those goals, 2/

Reaffirming that electoral assistance and support for the promotion of democratization are provided only at the specific request of the Member State concerned,

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1/ See Official Records of the Economic and Social Council, 1989, Supplemcnt No. 2 (E/1989/20), chap. II, sect. A.

2/ A/CONF.157/24 (Part I), chap. III, sect. II, para. 67.

Recognizing the usefulness of a comprehensive and balanced approach in the activities carried out by the United Nations in this field in order to contribute to the strengthening of both democracy and human rights within the country concerned,

Welcoming the Colloquium on African Election Administration organized by the Electoral Assistance Division of the Department of Peace-keeping Operations of the Secretariat in cooperation with the Department for Development Support and Management Services and non-governmental organizations, held in Zimbabwe from 15 to 18 November 1994, with the goal of contributing to the democratization process in Africa,

Taking note of the Declaration on Criteria for Free and Fair Elections adopted by the Inter-Parliamentary Union on the occasion of its ninety-first conference, held in Paris in March 1994, 3/

Welcoming the support provided by States to the electoral assistance activities of the United Nations, inter alia, through the provision of experts and electoral observers, as well as through contributions to the United Nations Trust Fund for Electoral Observation,

Having considered the report of the Secretary-General on enhancing the effectiveness of the principle of periodic and genuine elections, 4/

Noting the continuing high level of requests for electoral assistance by Member States,

1. Takes note of the report of the Secretary-General 4/ on United Nations activities aimed at enhancing the effectiveness of the principle of periodic and genuine elections;

2. Commends the electoral assistance provided to Member States at their request by the United Nations, requests that such assistance continue on a case-by-case basis in accordance with the proposed guidelines on electoral assistance, recognizing that the fundamental responsibility for ensuring free and fair elections lies with Governments, and also requests the Electoral Assistance Division of the Department of Peace-keeping Operations of the Secretariat to continue to inform Member States on a regular basis about the requests received, the responses given to those requests and the nature of the assistance provided;

3. Requests that the United Nations continue its efforts to ensure, before undertaking to provide electoral assistance to a requesting State, that there is adequate time to organize and carry out an effective mission for providing such assistance, that conditions exist to allow a free and fair election and that provisions can be made for adequate and comprehensive reporting of the results of the mission;

4. Commends the steps taken by the United Nations to ensure the continuation and consolidation of the democratization process in certain Member States requesting assistance, including the provision of assistance before and after elections have taken place and needs-assessment missions aimed at recommending programmes which might contribute to the consolidation of the democratization process, and requests that such efforts be strengthened;

5. Recommends that the Electoral Assistance Division provide post-election assistance to States that request such assistance, and to electoral institutions, in order to contribute to the stability and continuity of

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3/ See Inter-Parliamentary Union, Inter-Parliamentary Bulletin, 74th Year, 1994, Second Quarter, No. 2.

4/ A/49/675 and Corr.1.

their electoral processes, as provided for in the report of the Secretary-General, and that it study, in cooperation with relevant United Nations offices, ways of defining more clearly the activities related to democratic consolidation which the United Nations might usefully undertake in assisting the efforts of interested States in this regard;

6. Requests the Secretary-General to take further steps to support States which request assistance by, inter alia, enabling the United Nations High Commissioner for Human Rights, in accordance with his mandate and through the Centre for Human Rights of the Secretariat, to support democratization activities as related to human rights concerns, including, inter alia, human rights training and education, assistance for human rights-related legislative reform, strengthening and reform of the judiciary, assistance to national human rights institutions and advisory services on treaty accession, reporting and international obligations as related to human rights;

7. Commends the programmes of assistance carried out by the United Nations Development Programme for civil service reform and for governance, and especially those for strengthening participation and linkages between concerned sectors of society and Governments;

8. Recalls the establishment by the Secretary-General of the United Nations Trust Fund for Electoral Observation, and calls upon Member States to consider contributing to the Fund;

9. Stresses the importance of coordination within the United Nations system, commends the Centre for Human Rights for the advisory services and technical assistance it provides and the Department for Development Support and Management Services of the Secretariat and the United Nations Development Programme for the technical assistance they provide to requesting Member States, and requests the Electoral Assistance Division to strengthen its collaboration with the Centre, including through an exchange of personnel when appropriate, and with the Department and the Programme and to inform them of requests submitted in the area of electoral assistance;

10. Recommends that the United Nations continue and strengthen its coordination of election preparation and observation with intergovernmental and non-governmental organizations which have an interest in such activities;

11. Requests the Secretary-General to provide the Electoral Assistance Division with adequate human and financial resources, under the regular budget of the Organization and within existing resources, to allow it to carry out its mandate, and to reinforce the Centre for Human Rights through the redeployment of resources and personnel, so as to enable it to respond, in close coordination with the Electoral Assistance Division, to the increasing number of requests from Member States for advisory services in the area of electoral assistance;

12. Recommends that, in connection with the commemoration of the fiftieth anniversary of the United Nations, special attention be paid to publicizing the Organization's successful efforts towards promoting genuine and periodic elections and its increasing focus on democratization;

13. Takes note of the guidelines for Member States considering the formulation of requests for electoral assistance, contained in annex III to the report of the Secretary-General; 4/

14. Recommends that the Secretary-General consider ways to continue to improve coordination and to strengthen further the efforts of the Electoral Assistance Division, the Centre for Human Rights and the United Nations system in general to respond to its increased responsibilities and enlarged mandate in the field of

electoral assistance and democratization as reflected in the present resolution, and to include his recommendations in this regard in his report to the General Assembly at its fiftieth session;

15. Requests the Secretary-General to report to the General Assembly at its fiftieth session on the implementation of resolution 48/131 and the present resolution, in particular on the status of requests from Member States for electoral assistance and verification and on his efforts to enhance the Organization's support of the democratization process in Member States.

94th plenary meeting
23 December 1994

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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/49/610/Add.2)]

49/191. Summary or arbitrary executions

The General Assembly,

Recalling the Universal Declaration of Human Rights, 1/ which guarantees the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights, 2/ in which it is stated that every human being has the inherent right to life, that this right shall be protected by law and that no one shall be arbitrarily deprived of his life,

Recalling its resolution 36/22 of 9 November 1981, in which it condemned the practice of summary and arbitrary executions, and its subsequent resolutions on the subject, most recently resolution 47/136 of 18 December 1992,

Mindful of the dismay and condemnation expressed by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, at the continuing occurrence of gross and systematic violations of human rights, including summary and arbitrary executions,

Deeply alarmed at the continued occurrence on a large scale of summary or arbitrary executions, including extrajudicial executions,

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1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

Condemning especially violations of the right to life of minors and, in particular, children and adolescents without homes,

Recalling Economic and Social Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the death penalty annexed thereto, which resolution was endorsed by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in its resolution 15, 3/

Welcoming the close cooperation established between the Centre for Human Rights and the Crime Prevention and Criminal Justice Branch of the Secretariat and the Commission on Crime Prevention and Criminal Justice with regard to questions relating to extrajudicial, summary or arbitrary executions,

Convinced of the need for appropriate action to combat and eventually eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represents a flagrant violation of the most fundamental right, the right to life,

1. Once again strongly condemns the large number of extrajudicial, summary or arbitrary executions which continue to take place throughout the world;

2. Demands that the practice of summary or arbitrary executions be brought to an end;

3. Urgently appeals to Governments, United Nations bodies, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to take effective action to combat and eliminate summary or arbitrary executions, including extrajudicial executions;

4. Reaffirms Economic and Social Council decision 1992/242 of 20 July 1992, in which the Council approved the decision of the Commission on Human Rights 4/ to appoint a special rapporteur for three years to consider the questions related to summary or arbitrary executions and also approved the Commission's request to the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur, and recommends that the Commission on Human Rights at its fifty-first session continue his mandate;

5. Strongly urges all Governments, in particular those that have consistently not responded to communications transmitted to them by the Special Rapporteur, and all others concerned to cooperate with and assist the Special Rapporteur so that he may carry out his mandate effectively;

6. Requests the Special Rapporteur, in carrying out his mandate, to respond effectively to information that comes before him, in particular when a summary or arbitrary execution is imminent or threatened, or when such an execution has recently occurred, and, furthermore, to promote exchanges of views between Governments and those who provide reliable information to the Special Rapporteur, where the Special Rapporteur considers that such exchanges of information might be useful;

3/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. E.

4/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A, resolution 1992/72.

7. Also requests the Special Rapporteur to continue, in his next report, to pay special attention to extrajudicial, summary or arbitrary executions of children and women and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to national or ethnic, religious and linguistic minorities;

8. Welcomes the recommendations made by the Special Rapporteur in his reports to the Commission on Human Rights at its forty-fourth, forty-fifth, forty-sixth, forty-seventh, forty-eighth, forty-ninth and fiftieth sessions 5/ with a view to eliminating summary or arbitrary executions;

9. Encourages Governments, international organizations and non-governmental organizations to organize training programmes and to support projects with a view to training or educating military forces, law enforcement officers and government officials, as well as members of the United Nations peace-keeping or observer missions, in human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

10. Urges the Special Rapporteur to continue to draw to the attention of the United Nations High Commissioner for Human Rights such situations of extrajudicial, summary and arbitrary executions as are of particularly serious concern to him or where early action might prevent further deterioration;

11. Requests the Special Rapporteur to continue to monitor the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, 2/ as well as the Second Optional Protocol thereto; 6/

12. Considers that the Special Rapporteur, in carrying out his mandate, should continue to seek and receive information from Governments, United Nations bodies, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council, as well as medical and forensic experts;

13. Requests the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur and, in view of the increasing workload of the Special Rapporteur, to substantially increase, within existing resources, the human and material resources placed at his disposal, so that he may effectively carry out his mandate;

14. Again requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights appears not to have been respected;

5/ E/CN.4/1988/22 and Add.1 and 2, E/CN.4/1989/25, E/CN.4/1990/22 and Corr.1 and Add.1, E/CN.4/1991/36, E/CN.4/1992/30 and Corr.1 and Add.1, E/CN.4/1993/46 and E/CN.4/1994/7 and Corr.1 and 2 and Add.1 and 2.

6/ Resolution 44/128, annex.

15. Requests the Commission on Human Rights at its fifty-first session, on the basis of the report of the Special Rapporteur, to make recommendations concerning appropriate action to combat and eventually eliminate the abhorrent practice of summary or arbitrary executions.

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